

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

John L. Palermo

Debtor

John L. Palermo

v. Plaintiff

GMAC Mortgage, LLC

Defendant

: Chapter 13
:
: Bankruptcy No. 10-27281-JKF
:
: Adversary No. 11-02009-JKF
:
: Related to Document No. 1
:
: Hearing Date: May 25, 2011
:
: Hearing Time: 10:00 a.m.
:
:

**MOTION TO APPROVE SETTLEMENT OF COMPLAINT TO DETERMINE
SECURED STATUS**

Defendants, GMAC Mortgage, LLC., by and through their attorneys, Phelan Hallinan & Schmieg, LLP, hereby submit the motion to approve the settlement of Complaint to Determine Secured Status and in support thereof, avers as follows:

1. The Parties have reached a settlement of this adversary action, which is contingent on the Debtor's completion of a Chapter 13 plan.
2. The Parties respectfully submit that the five factor test established by the Third Circuit Court of Appeals has been satisfied, and the approval of the settlement is therefore appropriate. In re Martin, 91 F.3d 389 (3rd Cir. 1996).

WHEREFORE, Defendants respectfully request that this Honorable Court approve the settlement of the Complaint to Determine Secured Status.

Respectfully submitted,

Date: April 1, 2011

s/ Gary J. Gaertner, Esquire

PA ID No. 30715

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